RENTON CITY COUNCIL

Regular Meeting

May 14, 2007 Monday, 7 p.m.

MINUTES

Council Chambers Renton City Hall

CALL TO ORDER

Mayor Pro Tem Toni Nelson called the meeting of the Renton City Council to order and led the Pledge of Allegiance to the flag.

ROLL CALL OF COUNCILMEMBERS

TONI NELSON, Council President; DAN CLAWSON; DENIS LAW, Council President Pro Tem; TERRI BRIERE; MARCIE PALMER; DON PERSSON; RANDY CORMAN.

CITY STAFF IN ATTENDANCE JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JIM SEITZ, Transportation Planning and Programming Supervisor; TERRY HIGASHIYAMA, Community Services Administrator; LESLIE BETLACH, Parks Director; GERALD RERECICH, Recreation Director; ALEX PIETSCH, Economic Development Administrator; SUZANNE DALE ESTEY, Economic Development Director; PREETI SHRIDHAR, Communications Director; DEPUTY CHIEF CHUCK DUFFY, Fire Department; CHIEF KEVIN MILOSEVICH and COMMANDER DAVID LEIBMAN, Police Department.

PROCLAMATIONS

Safe Boating Week - May 19 to 25, 2007

A proclamation by Mayor Keolker was read declaring the week of May 19 to 25, 2007, to be "Safe Boating Week" in the City of Renton and urging all citizens who boat to "Boat Smart. Boat Safe. Wear it." and practice safe boating habits. MOVED BY CLAWSON, SECONDED BY PALMER, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

Commander Jack Green of Poverty Bay Power Squadron, Staff Officer Sector Seattle Joseph LeCointe of the U.S. Coast Guard Auxiliary, and Keith McDonough and Eric Dearth of Mercer Island Marine Patrol accepted the proclamation. Commander Green noted that although the waters are beautiful, they are also dangerous, and hypothermia and cold water emersion are problematic. He encouraged the use of life jackets. Staff Officer LeCointe pointed out that boaters are becoming far more safety conscious. Mr. McDonough expressed his appreciation for the efforts of the power squadron, coast guard, and City staff.

Salvation Army Week - May 14 to 20, 2007

A proclamation by Mayor Keolker was read declaring the week of May 14 to 20, 2007, to be "Salvation Army Week" in the City of Renton and encouraging all citizens to join in saluting the steadfast men and women who bind up the broken hearted and renew the heart of the community by their quiet service of compassion. MOVED BY LAW, SECONDED BY CORMAN, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

Renton Salvation Army Captain Terry Masango, Renton Salvation Army Board Chair Frank Davison, and Renton Salvation Army Fundraising Chair Greg Taylor accepted the proclamation. Captain Masango noted that the Renton food bank serves approximately 1,100 families a month, and offers cooking and budgeting classes. Mr. Taylor invited everyone to the NeKns (need knows no season) Renton Salvation Army fundraising dinner on June 27. Mr. Davison thanked the City for its support of the Renton Salvation Army.

SPECIAL PRESENTATION

Community Services: Trails and Bicycle Master Plan

Parks Director Betlach and Transportation Planning and Programming Supervisor Seitz reported on the Renton Trails and Bicycle Master Plan, a joint effort of the Transportation Systems Division and the Parks Division. Mr. Seitz explained that in 2005, State law was amended to include requirements for local governments to incorporate bicycle and pedestrian planning into each comprehensive plan. He noted that Renton is the hub of three major trails: Cedar River Trail, Lake Washington Loop, and Interurban Trail, and that the Transportation Systems Division was awarded a \$100,000 federal grant to create a bicycle route map.

Ms. Betlach reviewed the goals of the master plan, which include interconnecting neighborhoods and local destinations, creating a safe and convenient network that provides local and regional connectivity, encouraging healthy lifestyles, and encouraging alternate modes of transportation. Mr. Seitz listed the master plan objectives, including identifying local and regional destinations in a trail and bicycle network, inventorying and evaluating existing trails and bicycle routes, identifying connections to major destinations, identifying preferred network of routes, identifying safety issues, developing methodology to prioritize improvements, and ensuring accommodation of a wide variety of users and trip purposes.

Continuing, Mr. Seitz and Ms. Betlach reviewed the master plan outcomes and Ms. Betlach reviewed the public outreach plan, which includes public open houses, Council briefings, and meetings with the Renton Non-Motorized Transportation Advisory Committee and the Park Board. Ms. Betlach noted that the final presentation to Council and the adoption of the Trails and Bicycle Master Plan is proposed for January 2008.

Planning and Development Committee Chair Briere presented a report regarding the appeal of the Puget Colony Homes 1 and 2 short plats. Applicant John Skochdopole of Conner Homes submitted two short plat applications for Puget Colony Homes. Puget Colony 2 Short Plat, SHP-06-146, was heard before the Hearing Examiner as it involved the subdivision of five lots for the future construction of single-family homes. Puget Colony 1 Short Plat, SHP-06-147, was submitted to City of Renton's Department of Planning/Building/Public Works as it involved less than five lots. The Hearing Examiner approved the plat and issued his decision on 1/18/2007. Planning/Building/Public Works Administrator Zimmerman also approved the smaller plat application in his report on 1/25/2007. Appellants Frank and Karen Cook appealed both these decisions. Because both matters involved identical parties and issues, other than the respective lot sizes, the matters were consolidated. The Committee heard both matters on 5/10/2007.

The subject property is located in the Puget Colony area in the 4900 block of SE 2nd Pl. in Renton. This area was annexed into the City in December 2005, with R-8 zoning. In December 2006, the City of Renton rezoned this area to R-4. Prior to the R-4 zoning taking effect, applicant Conner Homes vested their plat application to the R-8 zoning. At the plat application hearing held before the Hearing Examiner on 1/9/2007, the issue of a covenant was presented before the

Hearing Examiner. City staff investigated the covenant and the City Attorney found no evidence to conclude that it was a public covenant. There was no evidence shown to contradict this conclusion and therefore the Hearing

APPEAL Planning & Development Committee

Appeal: Puget Colony Homes 1 & 2 Short Plats, Cook, SHP-06-146 & SHP-06-147

Examiner determined that it was a private covenant, and as such, unenforceable by the City. The Hearing Examiner thus lacked jurisdiction to consider the private covenant for purposes of the plat hearing.

Pursuant to City Code 4-8-110F(5) and (6), the Committee's decision and recommendation is limited to the record, which consists of, but is not limited to the Hearing Examiner's report, the notice of appeal, and the submissions by the parties. The Committee heard the presentation by City staff and argument by attorney for the appellants and attorney for the applicants. After reviewing the record, the submissions by the parties and having heard oral argument, the Committee hereby found and recommended as follows: appellant's attorney conceded that the applicant had vested to the R-8 zone and that the covenant was likely a private covenant. Based on the evidence presented before the Committee, the Committee found no basis to determine that the Hearing Examiner made a substantial error in fact or law. Therefore, the Committee recommended that the City Council find that the Hearing Examiner did not make any substantial error in fact or law in approving both plat applications. The Committee further recommended that the City Council affirm the decisions of the Hearing Examiner. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2007 and beyond. Items noted included:

* Everyone is invited to a community forum on emergency preparedness presented by the City of Renton on May 22 at the Renton Community Center.

Sandel DeMastus, PO Box 2041, Renton, 98056, noted that the political

Two free natural yard care workshops are going to be held at the Renton Senior Activity Center. The first, "The Good, the Bad, and the Bugly" is on May 17, and the second, "Are Noxious Weeds Growing in Your Backyard" is scheduled for May 24.

campaign season has begun, and she wished all candidates well. She expressed

her hope that candidates will not take each others campaign signs and destroy

AUDIENCE COMMENT

Citizen Comment: DeMastus -**Political Campaigning**

Citizen Comment: Radford -Official Newspaper

them. Dean Radford, Editor of the Renton Reporter, 600 Washington Ave. S., Kent, 98032, spoke on the consent agenda item concerning designation of *The Seattle Times* as the City's official newspaper. He requested that the matter be referred to the Finance Committee for further review. Mr. Radford noted the

commitment the Renton Reporter's news staff has for covering the City and its residents, saying that the coverage is not matched by any other newspaper. He further noted that the newspaper is looking for office space in Renton, and that

the Renton Reporter reaches nearly 30,000 households in Renton.

Citizen Comment: McOmber -Highlands Area Redevelopment, Trails and Bicycle Master Plan

Howard McOmber, 475 Olympia Ave. NE, Renton, 98056, expressed his hope that the ordinances concerning the Highlands area listed on the council meeting agenda move forward without any changes, such as to the conforming uses and not having to demolish anything as long as it is within the standards. He also voiced concern regarding the safety of the trails in the Highlands area, saying he is looking forward to providing input on the Trails and Bicycle Master Plan.

Mr. McOmber recommended the elimination of dark, dangerous trail areas, and the establishment of wheel chair-friendly and mobility scooter-friendly trails.

Citizen Comment: Doyle -Political Campaigning Charles Doyle, 411 5th Ave. S., Renton, 98057, introduced himself as the director of the Highlands Community Association's candidate search committee. Mr. Doyle indicated that he has talked to a number of people who are interested in City government but do not have the time to do the work needed to be elected to Council. Noting that competition is healthy, he pointed out that the more that people are involved, the better it is for the City.

Citizen Comment: Payson - Official Newspaper

Sandy Payson, Senior Vice President of Advertising of King County Publications, Ltd. dba *Renton Reporter*, 600 Washington Ave. S., Kent, 98032, requested review of the Administration's recommendation to designate *The Seattle Times* as the City's official newspaper. Mr. Payson indicated that the *Renton Reporter* has two purposes: to provide a backwards and forwards forum for the community voice and to be an economic bulletin board. He pointed out that in Renton, the *Renton Reporter's* circulation and the coverage is greater than *The Seattle Times'*.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing. At the request of Councilmembers, items 8.b. and 8.f. were removed for separate consideration.

Council Meeting Minutes of 5/7/2007

Approval of Council meeting minutes of May 7, 2007. Council concur.

Development Services: Code Compliance Inspector Hire at Step E Development Services Division requested authorization to fill the new Code Compliance Inspector position at Step E of the salary schedule. Council concur.

Annexation: New Life - Aqua Barn, Maple Valley Hwy Economic Development, Neighborhoods and Strategic Planning Department submitted a 10% Notice of Intent to Annex petition for the proposed New Life - Aqua Barn Annexation, and recommended a public meeting be set on 6/4/2007 to consider the petition; 285 acres located in the vicinity of Maple Valley Hwy. Council concur.

Planning: Development Regulations (Title IV) 2006 Docket Review Economic Development, Neighborhoods and Strategic Planning Department requested approval to initiate the annual 2006 Title IV (Development Regulations) docket review. Refer to <u>Planning and Development Committee</u> and Planning Commission.

Human Resources: Lead Parks Maintenance Worker Position Human Resources and Risk Management Department recommended approval of the Lead Parks Maintenance Worker position at Grade 16, Step A; monthly salary of \$3,971 - \$4,834. Council concur.

MOVED BY LAW, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEMS 8.b. and 8.f. FOR SEPARATE CONSIDERATION. CARRIED.

Separate Consideration Item 8.b.

City Clerk: Official Newspaper

City Clerk recommended approval to award the bid designating *The Seattle Times* as the City's official newspaper.

Council President Pro Tem Law indicated that he has a number of questions regarding this item, including the lower bid amount from the *Renton Reporter* and the circulation figures. He noted that the City relies on the *Renton Reporter* to publish City news on a regular basis, and the publication of City ordinances not only fulfills a legal requirement but also provides a public service. Mr. Law further noted that residents will be forced to subscribe to *The*

Seattle Times if they want to read the City's legal notices, while the *Renton Reporter* is free.

MOVED BY LAW, SECONDED BY PERSSON, COUNCIL REFER ITEM 8.b. TO THE FINANCE COMMITTEE. CARRIED.

Separate Consideration Item 8.f.

EDNSP: Small Business Development Center, Highline Community College & Renton Technical College & Renton Chamber of Commerce Economic Development, Neighborhoods and Strategic Planning Department recommended approval of a memorandum of understanding with Highline Community College, Renton Technical College, and Renton Chamber of Commerce regarding development of a Small Business Development Center in Renton. Approval was also sought for a budget amendment authorizing the City's \$25,000 contribution.

Councilmember Persson stated that the Small Business Development Center is a great idea. He pointed out that Council offered enough budget flexibility when the 2007 Budget was adopted that a special appropriation for the \$25,000 expenditure is not necessary. Mr. Persson relayed that the Finance Administrator agreed and said that if later in the year the department needs another \$25,000, Council can review the matter at that time.

MOVED BY PERSSON, SECONDED BY LAW, COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING WITH HIGHLINE COMMUNITY COLLEGE, RENTON TECHNICAL COLLEGE, AND RENTON CHAMBER OF COMMERCE REGARDING DEVELOPING A SMALL BUSINESS DEVELOPMENT CENTER IN RENTON, AND LEAVE OUT THE APPROVAL FOR THE BUDGET AMENDMENT FOR THE \$25,000 CONTRIBUTION.*

In response to Councilmember Clawson's inquiry, Chief Administrative Officer Covington explained that the funds in the existing department's budget were identified during the 2007 Budget process as having a specific purpose. This action could result in some reprioritization, and if the department is not able to complete its 2007 work program as a result, he noted that it appears as though Council will be amenable to staff coming back and requesting a budget appropriation.

*MOTION CARRIED.

UNFINISHED BUSINESS Planning & Development Committee

Planning: Highlands Area Redevelopment, Study Area Zoning & Land Use Changes Planning and Development Committee Chair Briere presented a report regarding the Highlands Subarea zoning and land use changes. The Committee recommended concurrence with the report and recommendation of the Highlands Zoning Task Force, which propose a series of zoning and land use changes in the Highlands Study Area. The Committee further concurred with the staff recommended changes to the task force's proposal:

- To keep the task force recommended RM-F (Residential Multi-Family) zoning in the Harrington "tail" between NE 7th St. and NE 9th St., but to change the underlying land use designation to CV (Center Village), in compliance with the land use designation policies in the Comprehensive Plan.
- To add a note restricting office and conference uses in the CV-zoned property on Edmonds Ave. NE. Note 22 in City Code RMC 4-2-080A should read as follows: "22. Size restrictions apply per use in RMC 4-2-

- 120A. In the CN zone, fast food establishments are prohibited. In the CV zone, no office and conference uses are allowed for parcels fronting, or taking primary access from, Edmonds Ave. NE."
- To revise the note that requires commercial development along Sunset Blvd. NE. Note 73 in RMC 4-2-080A should read as follows: "73. Within the Center Village zone, garden style apartments are prohibited. Ground

floor commercial development at a minimum of 75% of the frontage of the building is required for all residential projects on parcels abutting NE Sunset Blvd. east of Harrington Ave. NE."

The Committee further recommended that the ordinances implementing these proposed changes be presented for adoption. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See later this page and page 173 for ordinances.)

<u>Finance Committee</u> Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 259338 - 259841 and two wire transfers totaling \$4,218,498.29; and approval of Payroll Voucher 142, one wire transfer, and 675 direct deposits totaling \$2,128,589.72. MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

RESOLUTIONS AND ORDINANCES

The following ordinances were presented for first reading and advanced for second and final reading:

Rezone: Highlands Study Area, RM-F to CV, CPA An ordinance was read changing the zoning classification of certain property within the City of Renton (Highlands Study Area) from RM-F (Residential Multi-Family) to CV (Center Village) zoning; LUA-06-128. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

Ordinance #5280

Following second and final reading of the above-referenced ordinance, it was MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Rezone: Highlands Study Area, RM-F to CV, CPA

An ordinance was read changing the zoning classification of certain property within the City of Renton (Highlands Study Area) from RM-F (Residential Multi-Family) to R-14 (Residential-14 dwelling units per acre) zoning; LUA-06-128. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

Rezone: Highlands Study Area, RM-F to R-14, CPA

Ordinance #5281

Following second and final reading of the above-referenced ordinance, it was MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Rezone: Highlands Study Area, RM-F to R-14, CPA

An ordinance was read changing the zoning classification of certain property within the City of Renton (Highlands Study Area) from R-10 (Residential-ten dwelling units per acre) to CV (Center Village) zoning; LUA-06-128. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

Rezone: Highlands Study Area, R-10 to CV, CPA

Ordinance #5282

Rezone: Highlands Study Area, R-10 to CV, CPA Following second and final reading of the above-referenced ordinance, it was MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

The following ordinances were presented for second and final reading and adoption:

Ordinance #5283

Annexation: Leitch, SE 136th St & 140th Ave SE

Ordinance #5284

Annexation: Leitch, R-4 Zoning

Ordinance #5285

Comprehensive Plan: 2006 Amendments, Highlands Study Area

Ordinance #5286

Planning: CV Comp Plan Designation, R-14 & CV Zones, Design Regulations

Ordinance #5287

Rezone: Highlands Study Area, R-10 to R-14, CPA

Ordinance #5288

Rezone: Highlands Study Area, R-10 to RM-F, CPA

NEW BUSINESS

Planning: Highlands Area Redevelopment, Study Area An ordinance was read annexing approximately 14 acres of property generally located immediately south of the south side of SE 136th St. on the north, west of the middle of 140th Ave. SE, if extended, and on the east side of 140th Ave. SE to 143rd Ave. SE on the east; Leitch Annexation. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

An ordinance was read establishing the zoning classification for approximately 14 acres, generally located south of the south side of SE 136th St. on the north, west of the middle of 140th Ave. SE, if extended, and on the east side of 140th Ave. SE to 143rd Ave. SE on the east, annexed within the City of Renton from R-4 (Urban Residential-four dwelling units per acre, King County zoning) to R-4 (Residential-four dwelling units per acre, Renton zoning); Leitch Annexation. MOVED BY LAW, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

An ordinance was read adopting, on an emergency basis, the Highlands Study Area amendments to the City's 2004 Comprehensive Plan, maps, and data in conjunction therewith, and declaring an emergency effective date of 5/14/2007. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

An ordinance was read amending Chapter 4-2, Zoning Districts - Uses and Standards, Chapter 4-3, Environmental Regulations and Overlay Districts, Chapter 4-4, Citywide Property Development Standards, Chapter 4-7, Subdivision Regulations, Chapter 4-8, Permits - General and Appeals, Chapter 4-9, Permits - Specific, and Chapter 4-11, Definitions, of Title IV (Development Regulations) of City Code by changing the zoning regulations implementing the Center Village Comprehensive Plan designation, including the Residential-14 (R-14) zone and Center Village (CV) zone, enacting design regulations, and declaring an emergency. MOVED BY LAW, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

An ordinance was read amending City Code and changing the zoning classification of certain property within the City of Renton (Highlands Study Area) from R-10 (Residential-ten dwelling units per acre) to R-14 (Residential-14 dwelling units per acre) zoning, and declaring an emergency (LUA-06-128; CPA 2006-M-06). MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

An ordinance was read amending City Code and changing the zoning classification of certain property within the City of Renton (Highlands Study Area) from R-10 (Residential-ten dwelling units per acre) to RM-F (Residential Multi-Family) zoning, and declaring an emergency (LUA-06-128; CPA 2006-M-06). MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Mayor Pro Tem Nelson noted that with the adoption of the ordinances related to the Highlands area concerned parties may now move ahead.

Zoning & Land Use Changes

In response to Councilmember Corman's inquiries, Councilmember Briere confirmed that the Highlands-area moratorium has expired, the new zoning is now in place, and a duplex can be rebuilt as it is a conforming use.

Councilmember Persson thanked the Planning and Development Committee for their efforts on this matter. Councilmember Briere announced that phase 2 of the Highlands Task Force is being formed, and a letter was sent to interested citizens that includes an application, which is due by May 23. She stated that if anyone is interested in serving, information can be obtained from the City's

website or the Council Liaison. Ms. Briere explained that the task force's charter includes reviewing issues within the Highlands area itself, identifying and prioritizing needs, and receiving education regarding what the City can and cannot do.

AUDIENCE COMMENT

Citizen Comment: McOmber -Highlands Area Moratorium

Citizen Comment: Pham - Official Newspaper

EXECUTIVE SESSION AND ADJOURNMENT

In response to the inquiry of Howard McOmber, 475 Olympia Ave. NE, Renton, 98056, Councilmembers confirmed that the moratorium in the Highlands area has ended.

Shelley Pham, 13633 6th Pl. S., Burien, 98168, spoke on behalf of *The Seattle Times* on the topic concerning designation of *The Seattle Times* as the City's official newspaper. Ms. Pham pointed out that readers do not have to subscribe to *The Seattle Times* to be able to read the public notices on the newspaper's website. She noted the flexibility of the publication deadlines as the newspaper prints seven days a week. Regarding the publication rates, Ms. Pham indicated that *The Seattle Times* reaches a larger audience.

MOVED BY LAW, SECONDED BY CORMAN, COUNCIL RECESS INTO EXECUTIVE SESSION FOR APPROXIMATELY 40 MINUTES TO DISCUSS TWO ITEMS OF LITIGATION WITH NO OFFICIAL ACTION TO BE TAKEN AND THAT THE COUNCIL MEETING BE ADJOURNED WHEN THE EXECUTIVE SESSION IS ADJOURNED. CARRIED. Time: 8:14 p.m.

Executive session was conducted. There was no action taken. The executive session and the Council meeting adjourned at 9:15 p.m.

Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann

May 14, 2007